

REMARKS

Applicants have amended the claims 1, 7, 10-13, and 15, deleted claim 4, and added claims 16 and 17. Support for the amendment may be found at, for example, page 5, lines 8-22, page 7, lines 16-25, and Figures 3 and 4. Applicants respectfully submit that no new matter is introduced via the Amendment.

Claims 1-15 are objected to for the reasons noted in the Office Action, as above to render moot the objection to the claims. Regarding claims 5 and 14, Applicants respectfully submit that claim 5 is not a substantial duplicate to claim 14. Claim 5 recites particular liquids that may be contained within the reservoir. Claim 14 is not so limited to the particular liquids and, as noted at page 7, lines 4-7, the invention may include the use of liquids other than those recited in claim 5. Once having the benefit of Applicant's disclosure, those skilled in the art would be able to utilize liquids other than those specifically disclosed in Applicant's invention.

Claims 3, 4, 7 and 10-13 are rejected under 35 U.S.C. 112, second paragraph, for the reasons noted in the Office Action. Applicants have cancelled claim 4 and amended the claims as noted to obviate rejections based on lack of antecedent basis and to more particularly point out and claim the subject matter that Applicant regards as the invention.

Claims 1, 5, 6, 10, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3,324,855 (Heimlich). Applicants respectfully traverse in view of the Amendment.

Applicants are claiming a bi-functional swab for use in wound treatment comprising a wound treating element, where the wound treating element comprises both a wound-cleansing element and a hemostatic element that is discreet from the cleansing element. As such, the wound cleansing element of the swab of the present invention comprises two individual and discreet functional elements, one providing cleansing and one providing hemostasis. That the cleansing element may also provide some hemostatic properties does not negate the fact that there are two discreet elements comprising the wound treating element. Certain embodiments further comprise a liquid impermeable film disposed between the two elements.

Heimlich discloses a surgical foam stick comprising a sponge portion attached to a hollow tubular handle that is then attached to a source of suction so that fluids, e.g. blood, may be removed from a surgical site (Col. 2, lines 10-19) during surgery. In order to anticipate a claim the prior art must disclose every element of the claim, either expressly or inherently. Applicants respectfully submit that there is no additional, discreet element

disclosed in the surgical sponges of Heimlich, either expressly or inherently. Regarding claim 13, Applicant respectfully submits that Heimlich fails to disclose a liquid impermeable film disposed between the discreet cleansing and hemostatic elements. Based on the foregoing, Applicants respectfully submit that Heimlich fails to anticipate any claims of the present application and request that the rejection of claims 1, 5, 6, 10, 13 and 14 under 35 U.S.C. 102(b) over Heimlich be withdrawn.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,100,028 (Seifert). In view of the Amendment Applicant respectfully traverses.

As with Heimlich, Applicant respectfully submits that Seifert fails to disclose, either expressly or inherently, a swab with a wound treating element comprising a wound cleansing element and a discreet hemostatic element secured to the cleansing element. Accordingly, Applicant respectfully submits that Seifert fails to anticipate claims 1-3 and request that the rejection thereof under 35 U.S.C. 102(b) be withdrawn.

Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by US 4,740,194 (Barabino). In view of the Amendment Applicant respectfully traverses.

As with Heimlich and Seifert, Applicant respectfully submits that Barabino fails to disclose, either expressly or inherently, a swab with a wound treating element comprising a wound cleansing element and a discreet hemostatic element secured to the cleansing element. Accordingly, Applicant respectfully submits that Barabino fails to anticipate claim 15 and request that the rejection thereof under 35 U.S.C. 102(b) be withdrawn.

Claims 7-9 are rejected under 35 U.S.C. 103(a) over Heimlich in view of US 3,343,540 (Siegel). Applicant respectfully traverses.

In order for the prior art to render a claim obvious there must be some suggestion or teaching in the art to motivate one skilled in the art to modify the prior art according to the claims. In the present case, Applicants respectfully submit that there is no requisite teaching in Heimlich or Siegel that would motivate one skilled in the art to utilize a wound treatment element that comprises discreet cleaning and hemostatic elements. Accordingly, Applicant respectfully submits that claims 7-9 are patentable under 35 U.S.C. 103(a) over Heimlich in view of Siegel and request that the rejection thereof be withdrawn.

Claim 11 is rejected under 35 U.S.C. 103(a) over Heimlich in view of US 2,688,586 (Eberl). Applicant respectfully traverses.

Applicants respectfully submit that there is no requisite teaching in Heimlich or Eberl that would motivate one skilled in the art to utilize a wound treatment element that comprises

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discreet cleaning and hemostatic elements. Accordingly, Applicant respectfully submits that claim 11 is patentable under 35 U.S.C. 103(a) over Heimlich in view of Eberl and request that the rejection thereof be withdrawn.

Claim 12 is rejected under 35 U.S.C. 103(a) over Heimlich in view of US 2,423,707 (Kenyon). Applicant respectfully traverses.

Applicants respectfully submit that there is no requisite teaching in Heimlich or Kenyon that would motivate one skilled in the art to utilize a wound treatment element that comprised discreet cleaning and hemostatic elements. Accordingly, Applicant respectfully submits that claim 11 is patentable under 35 U.S.C. 103(a) over Heimlich in view of Kenyon and request that the rejection thereof be withdrawn.

Regarding new claim 16, Applicant respectfully submits that none of the art cited, either alone or in combination, disclose or suggest a swab that includes a wound treatment element comprising discreet cleansing and hemostatic elements that have a liquid impermeable membrane disposed there between.

Applicants submit concurrent herewith drawings addressing the objections raised in the Office Action.

Based on all of the foregoing, Applicant respectfully submits that claims 1-16 are patentable and earnestly request a notice of allowance to that affect.

Applicants respectfully submit that this is a complete response to the Office Action and that all pending claims are patentable. Accordingly, Applicants respectfully request a notice of allowance to that affect.

Respectfully submitted,

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